


Rule 1019-1. Conversion and Reconversion - Procedure Following.

(A) Extension of Time to File Post-Conversion Schedules. Any motion pursuant to Bankruptcy Rule 1019 and 9006(b) to extend the time to file lists, schedules or statements must set forth, if known, the date of the scheduled post-conversion meeting of creditors. If no date has been set, the motions should so state. Motions which seek to extend the time within 5 days before the post-conversion meeting of creditors will be granted only after a hearing and only upon a showing of exceptional circumstances.

(B) Schedule of Postpetition Debts and Service Matrix and Notice Requirements. The schedule of postpetition debts required by Bankruptcy Rule 1019(5) or subdivision (C) of this rule shall be accompanied by a supplemental service matrix and notice to the affected parties shall be given as required by the “Clerk’s Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments” and Bankruptcy Rule 1009. If no unpaid debts have been incurred since the commencement of the case, a certification to this effect shall be filed.

 2002 Amendment: Amended to reflect revised clerk’s instructions.

(C) Applicability of Bankruptcy Rule 1019 to Chapters 11, 12, and 13. The provisions of Bankruptcy Rule 1019(1)(A), (2), (3), (4), and (6) shall apply to cases converted or reconverted to cases under chapter 11, 12 or 13. Upon conversion, all property shall be turned over to the debtor in a chapter 13 case or to the trustee or debtor in possession in a chapter 11 or 12 case. The final report and schedule of unpaid debts required by Bankruptcy Rule 1019(5) shall be filed by the trustee in a case converted from chapter 7, and by the trustee or debtor in possession in a case converted from chapter 11 or 12. In a case converted from chapter 13, the trustee shall file the final report and the debtor shall file the schedule of unpaid debts. The deadline for fee applications arising from the superseded case is provided in Local Rule 2016-1(C)(2) and (4)(c).

(D) Disposition of Funds by Chapter 12 or 13 Trustee Upon Conversion of Case. Upon the conversion of a case under Chapter 12 or Chapter 13 of the Bankruptcy Code, the trustee shall dispose of funds, with notice to any subsequent trustee, in the following manner:

- (1)** If there is a confirmed plan in the case, the trustee shall pay any funds received prior to the entry of the order converting the case to creditors pursuant to the terms of the plan. All funds received after the entry of the order shall be paid or returned to the debtor.
- (2)** If there is neither a confirmed plan nor an order directing otherwise, the trustee shall pay all funds, regardless of the time of receipt, to the debtor.
- (3)** Notwithstanding subdivisions (1) and (2), any remaining balance owed by the debtor to the court for filing fees and clerk’s fees shall be paid by the trustee to the court prior to making any refund to the debtor.

(E) Filing Claims in Cases Converted From Chapter 13 to Chapter 7. Chapter 13 cases converted to chapter 7 shall be designated as no asset cases. Upon the filing of a “Notice of Assets” by the chapter 7 trustee in a case converted from chapter 13, a claims bar deadline shall be established pursuant to Bankruptcy Rule 3002(c)(5).

(F) Deadline for Filing Postpetition Claims.

- (1) In Converted Cases.** Pursuant to Bankruptcy Rule 1019(6), the deadline for filing by a nongovernment unit of a request for payment of an administrative expense (including, as permitted by Local Rule 3001-1(B), a proof of claim alleging a § 503 claim) or a claim filed pursuant to § 348(d) of the Bankruptcy Code shall be 90 days from the date of the post conversion meeting. This deadline shall be subject to modification, as applicable, by the provisions of Local Rules 1019-1(E) or (F)(2), 3002-1, and 3003-1.
- (2) In Reconverted Cases.** In asset cases where a schedule of unpaid debts has been filed pursuant to Bankruptcy Rule 1019(5) and where a new claims bar deadline will not be set for all creditors since the original claims bar date had expired prior to conversion, the party filing the schedule of postpetition debts required by Bankruptcy Rule 1019(5) or subdivision (B) of this rule shall file a timely motion requesting that the court set a deadline for postpetition creditors to file claims in accordance with Bankruptcy Rule 1019(6) and this subdivision. Service of the order setting deadline shall be provided by the party filing the motion.

✎ 2002 Amendment: Amended to establish a deadline for filing requests for payment of administrative expenses pursuant to section 503 of the Code and for filing section 348(d) claims.

(G) Extension of Deadline to Object to Exemptions in Converted Cases. The deadline for objection to exemptions in converted cases shall be extended pursuant to Local Rule 4003-1(B).

✎ 2002 Amendment: Amended to reference new rule on extension of deadline for objection to exemptions in converted cases.

[Comment: See Bankruptcy Rules 1017(f) (proceeding to convert case) and 4003(b) (clerk's deadline for objecting to exemptions), Local Rule 2002-1(C)(1) (notifications of deadlines required in notices), Local Rule 3002-1(A) (claims deadline in cases converted from chapter 13 to chapter 7) and Local Rule 9013-1(D)(3)(h) (conversion of cases other than chapter 13 on negative notice).]